

**HOFLAND & TOMSHECK**

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*Attorney for Defendant*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA

Plaintiff,

vs.

OFIR FRIEDEN,

Defendant.

Case No.: 2:21-cr-00184-JCM-NJK

**STIPULATION AND ORDER TO  
CONTINUE SENTENCING  
(Third Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between JASON M. FRIERSON, United States Attorney, and DANIEL SCHIESS, ESQ., Assistant United States Attorney, counsel for the United States of America, and JOSHUA TOMSHECK, ESQ., counsel for Defendant, OFIR FRIEDEN, that the Sentencing and Disposition currently scheduled for September 27, 2023, at 10:00 a.m. be continued to a date convenient for the Court no earlier than thirty (30) days.

This stipulation is entered into for the following reasons:

1. That this is the third sentencing continuance requested;
2. That defense counsel has a scheduling conflict and will be out of the jurisdiction making him unavailable for the current setting.

3. That defense counsel is scheduled to start a jury trial in Nevada state court in the case of *State v. Boyer*, Case No. C-20-350357-1 on October 2, 2023.
4. That defense counsel is also currently set to begin an in-custody Jury Trial on a re-trial double murder case from a previous capital verdict in Case No. 06C224572-3 with a firm setting commencing on October 9, 2023.
5. That counsel has consulted with Mr. Frieden about this continuance. Mr. Frieden, who is not in custody at this time, supports this request for more time as he is still in the process of saving up for, and scheduling, dental work that would be advantageous for him to complete before serving his federal sentence and facing removal from the country thereafter.
6. That the government has graciously agreed to not oppose this request.
7. That defense counsel will need some time after recently concluding a 4-week re-trial in *State v. Randolph* in case no. 09C250966 on a double murder case to finish compiling mitigation materials, preparing a sentencing memorandum, and otherwise preparing for sentencing.
8. That, for the aforementioned reasons, denial of this request for continuance could result in a miscarriage of justice.

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1           9. For the above stated reasons, the parties agree that a continuance of the Sentencing  
2           and Disposition would best serve the ends of justice in this case. The parties  
3           request a continuance of at least thirty (30) days.

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5           Dated: September 18, 2023.

6           Respectfully submitted,

7           HOFLAND & TOMSHECK

JASON M. FRIERSON  
United States Attorney

9           /s/ Joshua Tomsheck  
10          JOSHUA TOMSHECK, ESQ.  
11          Counsel for Defendant  
            OFIR FRIEDEN

/s/ Daniel Schiess  
DANIEL SCHIESS, ESQ.  
Assistant United States Attorney

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA

Case No.: 2:21-cr-00184-JCM-NJK

Plaintiff,

vs.

**ORDER TO CONTINUE  
SENTENCING  
(Third Request)**

OFIR FRIEDEN,

Defendant.

**FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. That this is the third sentencing continuance requested;
2. That defense counsel has a scheduling conflict and will be out of the jurisdiction making him unavailable for the current setting.
3. That defense counsel is scheduled to start a jury trial in Nevada state court in the case of *State v. Boyer*, Case No. C-20-350357-1 on October 2, 2023.
4. That defense counsel is also currently set to begin an in-custody Jury Trial on a re-trial double murder case from a previous capital verdict in Case No. 06C224572-3 with a firm setting commencing on October 9, 2023.
5. That counsel has consulted with Mr. Frieden about this continuance. Mr. Frieden, who is not in custody at this time, supports this request for more time as he is still in the process of saving up for, and scheduling, dental work that would be advantageous for him to complete before serving his federal sentence and facing removal from the country thereafter.
6. That the government has graciously agreed to not oppose this request.

- 1           7.     That defense counsel will need some time after recently concluding a 4-week  
2           re-trial in *State v. Randolph* in case no. 09C250966 on a double murder case to  
3           finish compiling mitigation materials, preparing a sentencing memorandum,  
4           and otherwise preparing for sentencing.  
5  
6           8.     That, for the aforementioned reasons, denial of this request for continuance  
7           could result in a miscarriage of justice.  
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9           9.     For the above stated reasons, the parties agree that a continuance of the  
10          Sentencing and Disposition would best serve the ends of justice in this case.  
11          The parties request a continuance of at least thirty (30) days.

12          Dated: September 18, 2023.

13                                 **ORDER**

14                 IT IS HEREBY ORDERED, that Sentencing and Disposition currently scheduled for  
15                 September 27, 2023, at 10:00 a.m. be continued to October 27, 2023 at 11:00 A.M.  
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18                 DATED September 20, 2023.  
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21   UNITED STATES DISTRICT JUDGE  
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